

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

IN RE EYEWEAR ANTITRUST
LITIGATION

Case No. 0:23-CV-03065 (KMM/JFD)

This Document Related To:
All Cases

STIPULATION TO FILE AMENDED COMPLAINTS AFTER TRANSFER

Plaintiffs Peter Brown, Isha Fathmath, Tara Foster, Rebecca Froehlich, Brad Hoag, Monet Jonas, Michelle Morgan, Jarred Ristau, Frederick Rozo (“Direct Purchaser Plaintiffs”), and Pamela Ringgold (“Indirect Purchaser Plaintiff”) (“Direct Purchaser Plaintiffs” together with “Indirect Purchaser Plaintiff,” the “Plaintiffs”), and Defendants Costa Del Mar, Inc., Essilor of America, Inc., Essilor International SAS, EssilorLuxottica S.A., EssilorLuxottica America SAS (formerly Luxottica U.S. Holdings Corp.), EssilorLuxottica USA Inc., Essilor Laboratories of America, Inc., Essilor Laboratories of America Holding Co., Inc., EyeMed Vision Care, LLC, For Eyes Optical Company, Frames for America, Inc., Luxottica of America Inc., Luxottica Group S.p.A., Oakley, Inc., Vision Source, LLC (formerly Vision Source, LP), and Grand Vision B.V. (“Defendants,” and, together with Plaintiffs, the “Parties”) by and through their undersigned counsel of record and subject to Court’s approval, submit this Stipulation for Plaintiffs to file their Amended Complaints after transfer (“Stipulation”). In support of this Stipulation, the Parties state as follows:

1. Plaintiffs filed eight related putative antitrust class actions in this district:

Morgan v. EssilorLuxottica S.A. et al., 23-cv-03065 (D. Minn. Oct. 3, 2023); *Jonas v.*

EssilorLuxottica S.A. et al., 23-cv-03082 (D. Minn. Oct. 5, 2023); *Foster v. EssilorLuxottica S.A., et al.*, 23-cv-03662 (D. Minn. Nov. 29, 2023); *Rozo v. EssilorLuxottica S.A. et al.*, 23-cv-03822 (D. Minn. Dec. 15, 2023); *Ristau v. EssilorLuxottica S.A. et al.*, 23-CV-03823 (D. Minn. Dec. 15, 2023); *Fathmath v. EssilorLuxottica S.A. et al.*, 24-cv-00260 (D. Minn. Jan. 31, 2024); *Ringgold v. EssilorLuxottica S.A. et al.*, 24-cv-00349 (D. Minn. Feb. 6, 2024); *Brown v. EssilorLuxottica, S.A. et al.*, 24-cv-00767 (D. Minn. Mar. 5, 2024).

2. Plaintiffs' cases were consolidated into *In re Eyewear Antitrust Litigation*, 23-cv-03065 (D. Minn.) ("the action"). (Dkt. Nos. 59, 107).

3. Counsel for Plaintiffs represented to the Court that they planned to file Amended Complaints 45 days following the Court's order on Plaintiffs' Joint Motion to Appoint Interim Co-Lead Counsel, which the Court granted on May 1, 2024. (Dkt. No. 115).

4. On June 12, 2024, the Court ordered that the action be transferred to the Southern District of New York. (Dkt. No. 121).

5. The Parties have met and conferred and agree that, to conserve judicial and party resources, Plaintiffs need not file their Amended Complaints until after the action has been transferred to the Southern District of New York.

6. The Parties further agree that Plaintiffs shall have 28 days after the action is transferred to the Southern District of New York to file their Amended Complaints, subject to the transferee Court Judge's authority to set or alter such due date.

7. For the avoidance of doubt, this Stipulation does not alter or amend any other stipulations or agreements previously made by the Parties, including the stipulation entered by the Court on February 5, 2024 pursuant to which (among other things) Defendants shall have 75 days to respond to the Amended Complaints. (Dkt. No. 38.)

8. A proposed order is being submitted to the Court herewith.

Dated: June 17, 2024

Respectfully submitted,

By: /s/ David M. Cialkowski

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